

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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Attorneys for Defendant World Savings Bank,
FSB (erroneously sued as "World Savings, Inc.
dba World Savings Bank FSB")

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JUAN CUEVAS,

Plaintiff,

vs.

ATLAS REALTY/FINANCIAL SERVICES,
INCORPORATED, a California corporation, dba
ATLAS REALTY, dba ATLAS FINANCIAL
SERVICES, ALVIN CLAIR SILBERNAGEL,
SAMANTHA TREVINO, WORLD SAVINGS,
INC., dba WORLD SAVINGS BANK, FSB, and
DOES 1 to 100,

Defendants.

Case No. C07 02814 JF

**WORLD SAVINGS BANK, FSB'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS**

Date: December 14, 2007
Time: 9:00 a.m.
Place: Department 3
Compl. Filed: May 30, 2007

Honorable Jeremy Fogel

1. Pursuant to Federal Rule of Evidence 201, Defendant World Savings Bank, FSB ("World") requests that the Court take judicial notice that World is, and at all relevant times was, a federally chartered association. This fact is not reasonably subject to dispute and readily verifiable by reference to World's Certificate of Corporate Existence issued by the Office of Thrift Supervision. See attached Exhibit A. Judicial notice may properly be taken of documents issued by the Office of Thrift Supervision as facts which are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." F.R.E. 201(b); see also Lee v.

1 City of Los Angeles, 250 F.3d 668, 689 (9th Cir. 2001) (“a court may take judicial notice of matters
2 of public record”). Thus, it is appropriate for the Court to take judicial notice of the fact World
3 Savings Bank, FSB is, and at all relevant times was a federally chartered bank.

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5 2. World also requests the Court take judicial notice of the orders issued in the matter of
6 Morgan v. American International Group, Inc., Alameda County Case No. RG0416650 (November
7 23, 2006) and (February 15, 2006) attached to this Request for Judicial Notice as Exhibits B & C.
8 Pursuant to Federal Rule of Evidence 201, the court may take judicial notice of its own files and
9 state court records. See Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank, 136 F.3d
10 1360, 1364 (9th Cir. 1998); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980). Therefore,
11 it is also appropriate for the Court to take judicial notice of the attached decision.

12
13 DATED: October 9, 2007.

14 REED SMITH LLP

15
16 By /s/ Keith D. Yandell
17 Jack R. Nelson
18 Keith D. Yandell
19 Attorneys for Defendant World Savings Bank, FSB
20 (erroneously sued as “World Savings, Inc. dba
21 World Savings Bank FSB”)
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